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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,717	02/08/2006	Louis Robert Litwin	PU030177	4024
24498 7590 03/29/2007 JOSEPH J. LAKS, VICE PRESIDENT THOMSON LICENSING LLC PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			EXAMINER NGUYEN, QUANG N	
			ART UNIT 2141	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/567,717

Applicant(s)

LITWIN, LOUIS ROBERT

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20060228</u> . | 6) <input type="checkbox"/> Other: _____ |

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Detailed Action

1. This Office Action is responsive to the Application SN 10/567,717 filed on 02/28/2006. Claims 1-21 are presented for examination.

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 02/28/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

4. Claims 1, 5 and 11-15 are objected to because of the following informalities:

On line 6 of claim 1 and on line 3 of claim 5: "said wireless area network" should be "said wireless local area network".

On line 1 of claims 11-15: "method" should be "wireless device".

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On line 1 of claim 17: "The mobile device of claim 1" should be "The mobile device of claim 16".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-4, 6-7, 9-12 and 15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu (2004/0205158 A1).**

7. As to claim 1, Hsu teaches a method, comprising:

scanning to detect presence of a wireless local area network WLAN (Hsu, paragraphs [0043], [0061] and [0064]);

detecting presence of said wireless local area network (Hsu, paragraphs [0043], [0061] and [0064]);

contacting a base station of said wireless local area network detected to request location of said base station (Hsu, paragraphs [0046], [0050] and [0052]); and

receiving location of said wireless local area network (*i.e., upon receiving the WLAN request from a mobile station MS, the base station BS transmits location information identifies the AP supporting the WLAN*) (**Hsu, paragraphs [0046], [0050] and [0052]**).

8. As to claim 2, **Hsu** teaches the method of claim 1, further comprising logging said location of said base station for future reference (**Hsu, paragraphs [0076] and [0083]**).

9. As to claim 3, **Hsu** teaches the method of claim 1, wherein said location comprises a map coordinate location of said base station (**Hsu, paragraph [0052]**).

10. As to claim 4, **Hsu** teaches the method of claim 1, wherein said location comprises one of a street address and longitude/latitude coordinates for said base station (**Hsu, paragraph [0052]**).

11. As to claim 6, **Hsu** teaches method of claim 2, wherein said logging of said location is one of automated logging and a manual logging (**Hsu, paragraphs [0027] and [0030]**).

12. As to claim 7, **Hsu** teaches the method of claim 1, wherein said location comprises global position coordinates (**Hsu, paragraph [0052]**).

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13. Claims 9-12 are corresponding wireless device claims of method claims 1, 3-4 and 7; therefore, they are rejected under the same rationale.

14. As to claim 15, **Hsu** teaches the wireless device of claim 9, further comprising the step of displaying a location of a base station of a wireless local area network logged previously that is near said wireless device (*i.e., the display may provide the AP location in the context of a local map in a graphical manner or as a textual message*) (**Hsu, paragraph [0052]**).

15. Claims 16-21 are corresponding mobile device claims of method claims 1-4, 7 and wireless device claim 15; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu, in view of Rao (US 2004/0264395 A1).**

18. As to claim 5, **Hsu** teaches the method of claim 1, but does not explicitly teach comparing a MAC address of said base station to a database known locations of base stations or wireless local area networks and not requesting a location if the contacted said base station is already in said database.

In an analogous art, **Rao** teaches a wireless network client 2 scans the network for discovering wireless access points, creates and stores a list of detected wireless access points containing entries for each discovered wireless local network identifier such as SSID in an 802.11 environment, the MAC address and the signal-to-noise ratio of the corresponding detected wireless access point (**Rao, paragraphs [0010] and [0052-0053]**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the feature of adding discovered wireless access points information to a client database, as disclosed by **Rao**, into the teachings of **Hsu**. One would be motivated to do so to provide automatic configuration of wireless network client in a wireless local area network environment without the need for user intervention, i.e., automatically obtaining the network identifier and other network related information for the local wireless access point in order to select the best available wireless local area network for accessing (**Rao, paragraph [0058]**).

19. **Claims 8 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu, in view of Sundar et al. (US 2003/0134650 A1), hereinafter "Sundar".**

20. As to claim 8, **Hsu** teaches the method of claim 1, but does not explicitly teach detecting signature sequences from a wireless local area network.

In an analogous art, **Sundar** teaches detecting signature sequences from a wireless local area network (*a mobile station 310 may initiate a detection 402 of RF energy in the relevant spectrum from a wireless local area network*) (**Sundar, paragraphs [0055-0058]**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the features of detecting signature sequences (*i.e., RF energy*) from a wireless local area network, as disclosed by **Sundar**, into the teachings of **Hsu**. One would be motivated to do so to detect the presence of a WLAN by detecting the RF energy in the permitted 802.11a/b/g spectrum (**Sundar, paragraph [0055]**).

21. Claims 13-14 are corresponding wireless device claims of method claim 8; therefore, they are rejected under the same rationale.

Conclusion

22. Further references of interest are cited on Form PTO-892, which is an attachment to this Office Action.

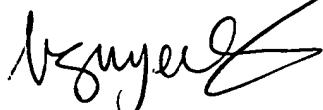
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23. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Quang N. Nguyen
Patent Examiner
AU - 2141